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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,026	03/11/2004	Satoshi Hosokawa	8031-1033	4629

466 7590 08/03/2007 YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202	EXAMINER DANG, HUNG Q

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/797,026	HOSOKAWA, SATOSHI
	Examiner	Art Unit	
	Hung Q. Dang	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *11 March 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *11 March 2004* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some * c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>03/11/2004, 09/29/2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it is written in two

paragraphs. It is required that the abstract should be limited to a single paragraph

within the range of 50 to 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim 8 recites the limitations "second means" and "third means". There is

insufficient antecedent basis for these limitations in the claim.

Claim 19 recites the limitation "second or third step". There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claim 25 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

Claim 25 recites "programs". However, it appears that such would reasonably be

interpreted by one of ordinary skill in the art as software, per se. This subject matter is

not limited to that which falls within a statutory category of invention because it is not

limited to a process, machine, manufacture, or a composition of matter. Software does

not fall within a statutory category since it is clearly not a series of steps or acts to

constitute a process, not a mechanical device or combination of mechanical devices to

constitute a machine, not a tangible physical article or object which is some form of

matter to be a product and constitute a manufacture, and not a composition of two or

more substances to constitute a composition of matter.

However, in contrast, a claimed computer-readable medium encoded with a

computer program is a computer element which defines structural and functional

interrelationships between the computer program and the rest of the computer which

permit the computer program's functionality to be realized, and is thus statutory. See

Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035 (MPEP 2106.01.I).

Accordingly, the examiner suggests amending the claim to "computer-readable

medium encoded with software programs" or equivalent in order to make the claim

statutory. Any amendment to the claim would be commensurate with its corresponding

disclosure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10, 12-21, and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Loui et al. (US 2003/0007784) and Moore (US 2002/0061065).

Regarding claim 1, Loui et al. disclose an image processing apparatus ([0033]) comprising: moving picture encoding means for encoding still picture image data with a specified moving picture encoding scheme ([0017]); data processing means for associating each still image file with a voice data file on a one-by-one basis to output of said moving picture encoding means in a format corresponding to said moving picture encoding scheme ([0045]; [0086]); and multiplexing means for multiplexing and outputting the output of said data processing means and said voice data ([0086]; Fig. 10). Loui et al. also disclose a parameter file is used to set the display duration of each still image ([0086]).

However, Loui et al. do not disclose adding time extension information to extend reproduction time by the time same as that of voice data related to said still picture image data.

Moore discloses adding time extension information to extend reproduction time of each still image by the time same as that of voice data related to still picture image data (the steps of "Set Hold Time", "Insert Hold Frame", and checking "Hold Time Exceed" in Fig. 19, Fig. 20, and [0387] with the "Hold Time" being the reproduction time of audio track in [0394] and [0395]).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate adding time extension disclosed by Moore into the apparatus disclosed by Loui et al. to synchronize the video and audio data which originally do not have the same reproduction time length. The incorporated feature would help to achieve smooth reproduction and better quality of presentation.

Regarding claim 2, Loui et al. also disclose voice encoding means for encoding said voice data with a specified voice encoding scheme ([0017]; [0056]).

Regarding claim 3, Moore also disclose said data processing means receives information on reproduction time of said voice data acquired by said voice encoding means and acquires said time extension information ([0394]; [0395]; [0396]).

Regarding claim 4, Moore also disclose said data processing means extracts data for one frame corresponding to said still picture image data from output of said moving picture encoding means, and has first means for adding invalid frames following the data for a time corresponding to reproduction time of said voice data at a specified period as said time extension information (Fig. 19; Fig. 20; [0387]; [0389]; [0396]).

Regarding claim 5, Moore also disclose said data processing means extracts data for one frame corresponding to said still picture image data from output of said moving picture encoding means, and has second means for adding invalid frames after a time corresponding to reproduction time of said voice data as said time extension information (Fig. 19; Fig. 20; [0387]; [0389]; [0394]; [0395]; [0396]).

Regarding claim 6, Moore also disclose said data processing means extracts data for one frame corresponding to said still picture image data from output of said moving picture encoding means, and has third means for adding said time extension information to the extracted data (Fig. 19; Fig. 20; [0387]; [0389]; [0394]; [0395]; [0396]).

Regarding claim 7, Moore et al. also disclose said data processing means comprises: extraction means for extracting data for one frame corresponding to said still picture image data from output of said moving picture encoding means ([0387]; [0394]);

first means for adding invalid frames following the data for a time corresponding to reproduction time of said voice data at a specified period as said time extension information (Fig. 19; Fig. 20; [0396]); second means for adding invalid frames after a time corresponding to reproduction time of said voice data as said time extension information (Fig. 19; Fig. 20; [0394]; [0395]); third means for adding said time extension information to the extracted data (Fig. 19; Fig. 20; [0394]; [0395]; [0396]);

However, the proposed combination of Loui et al. and Moore does not explicitly disclose selection means for selecting either of the first to third means.

A switch for selecting one signal out of many sources is well known in the art. Thus, Official Notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate a switch into the apparatus disclosed by Loui et al. and Moore so that to select the output from either the first, second, or third means. The incorporated feature would allow multiple options of associating audio data into the still images, thus enhance user the interface of the apparatus.

Regarding claim 8, Moore also disclose said data processing means further comprises means for continuing control for processing of said first, second or third means a specified times after completing processing of said first, second or third means (means for performing the step of "Add MPEG Subsequence to Output" in Fig. 19 and Fig. 20).

Regarding claim 9, Loui et al. also disclose a camera to generate said still picture image data ([0041]); and a microphone to generate said voice data ([0045; [0050]).

Regarding claim 10, the proposed combination of Loui et al. and Moore does not disclose said image processing apparatus is a cellular phone.

A cellular phone with a built-in camera is very well known in the art. Thus, Office Notice is taken.

One of ordinary skill in the art at the time of the invention would have been motivated to incorporate a cellular phone to be used with the apparatus disclosed by Loui et al. and Moore as another source of still images. With a use of a cellular phone with a built-in camera, a separate digital camera is not needed and hence, makes savings.

Claim 12 is rejected for the same reason as discussed in claim 1 above.

Claim 13 is rejected for the same reason as discussed in claim 2 above.

Claim 14 is rejected for the same reason as discussed in claim 3 above.

Claim 15 is rejected for the same reason as discussed in claim 4 above.

Claim 16 is rejected for the same reason as discussed in claim 5 above.

Claim 17 is rejected for the same reason as discussed in claim 6 above.

Claim 18 is rejected for the same reason as discussed in claim 7 above.

Claim 19 is rejected for the same reason as discussed in claim 8 above.

Claim 20 is rejected for the same reason as discussed in claim 9 above.

Claim 21 is rejected for the same reason as discussed in claim 10 above.

Claim 25 is rejected for the same reason as discussed in claim 1 above.

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loui et al. (US 2003/0007784) and Moore (US 2002/0061065) as applied to claims 1-10, 12-21, and 25 above, and further in view of Abe (US Patent 6,618,491).

Regarding claim 11, see the teachings of Loui et al. and Moore as discussed in claim 1 above. Further, Moore also disclose still picture image data is supplied to said data processing means (Fig. 19; Fig. 20; [0387]; [0390]).

However, the proposed combination of Loui et al. and Moore does not disclose means for extracting desired still picture image data and voice data related to it from moving picture data added with voice data.

Abe discloses means for extracting desired still picture image data and voice data related to it from moving picture data added with voice data (column 3, lines 60-63).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the means for extracting still picture image data and voice data disclosed by Abe into the apparatus disclosed by Loui et al. and Moore to extract favorite scene from favorite movies. The incorporated feature would enhance the user interface because it expands options for sources of still images.

Claim 22 is rejected for the same reason as discussed in claim 11 above.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loui et al. (US 2003/0007784), Moore (US 2002/0061065), and Abe (US Patent 6,618,491).

Regarding claim 23, Loui et al. disclose an image processing system ([0033]) comprising: an image processing apparatus ([0033]) including: moving picture encoding means for encoding still picture image data with a specified moving picture encoding scheme ([0017]); data processing means for associating each still image file with a voice data file on a one-by-one basis to output of said moving picture encoding means in a format corresponding to said moving picture encoding scheme ([0045]; [0086]); and multiplexing means for multiplexing and outputting the output of the data processing means and the voice data ([0086]; Fig. 10). Loui et al. also disclose a parameter file is used to set the display duration of each still image ([0086]).

However, Loui et al. do not disclose adding time extension information to extend reproduction time by the time same as that of voice data related to said still picture image data. Loui et al. also do not disclose a reproduction apparatus including: moving picture decoding means for receiving multiplexed output from the image processing apparatus and decoding the data processed by the data processing means using a decoding method corresponding to the moving picture encoding scheme; and means for simultaneously reproducing the voice data of the multiplexed output and the moving picture decoding means.

Moore discloses adding time extension information to extend reproduction time of each still image by the time same as that of voice data related to still picture image data (the steps of "Set Hold Time", "Insert Hold Frame", and checking "Hold Time Exceed" in Fig. 19, Fig. 20, and [0387] with the "Hold Time" being the reproduction time of audio track in [0394] and [0395]).

One of ordinary skill in the art at the time the invention was made would have

been motivated to incorporate adding time extension disclosed by Moore into the

apparatus disclosed by Loui et al. to synchronize the video and audio data which

originally do not have the same reproduction time length. The incorporated feature

would help to achieve smooth reproduction and better quality of presentation.

However, the proposed combination of Loui et al. and Moore does not disclose a

reproduction apparatus including: moving picture decoding means for receiving

multiplexed output from the image processing apparatus and decoding the data

processed by the data processing means using a decoding method corresponding to

the moving picture encoding scheme; and means for simultaneously reproducing the

voice data of the multiplexed output and the moving picture decoding means.

Iganami discloses a reproduction apparatus including: moving picture decoding

means for receiving multiplexed output from the image processing apparatus and

decoding the data processed by the data processing means using a decoding method

corresponding to the moving picture encoding scheme (column 1, lines 15-21; column

1, line 59 – column 2, line 21); and means for simultaneously reproducing the voice data

of the multiplexed output and the moving picture decoding means (column 1, lines 15-

21).

One of ordinary skill in the art at the time the invention was made would have

been motivated to incorporate the reproduction apparatus disclosed by Iganami into the

image processing system disclosed by Loui et al. and Moore to provide playback

features. The incorporation of Iganami's reproduction system would expand the

capability of the apparatus because it can be used for playback purpose; thus,

enhancing the user interface of the system.

Claim 24 is rejected for the same reason as discussed in claim 23 above

because the image processing system disclosed by Loui et al., Moore, and Iganami as

described in the discussion of claim 23 is also a reproduction apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hung Q. Dang whose telephone number is 571-270-

1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang
Patent Examiner

Mehrdad Dastouri

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